

college of the South, we conclude that the allegations set forth in House Concurrent Resolution No. 6, above mentioned are in no way sustained.

SIGNED, on the part of the House.  
POPE.

### THIRTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas, March 8, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By Senator Wirtz.

S. B. No. 475, A bill to be entitled "An Act providing the force and effect as evidence of instruments conveying or purporting to convey real estate, or any interest therein, which instruments have been actually recorded for twenty years or more and under which such real estate or interest therein, has been claimed during such period without the assertion by actual possession thereof, or a suit therefor, of any claim or in-

consistent to the one evidenced by any such instrument; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Reid.

S. B. No. 476, A bill to be entitled "An Act changing the times of holding the terms of the district court in the Sixty-ninth Judicial District of Texas; enacting necessary provisions in reference to process, writs, bonds, recognizances and in reference to grand and petit jurors, etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Wirtz.

S. B. No. 477, A bill to be entitled "An Act creating a special road law for Caldwell County, Texas, requiring surety bonds of road overseers; containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1927; setting forth the method of said operation and declaring an emergency."

Read first time and referred to Committee on Highways, and Motor Traffic.

By Senator Smith.

S. B. No. 478, A bill to be entitled "An Act making provision for a district attorney in the Ninetieth Judicial District of Texas and an assistant district attorney in said district, etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Love.

S. B. No. 479, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surface roads in said county, etc., and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

### Messages From the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 93, A bill to be entitled  
"An Act to amend Article 1302 of the  
Revised Civil Statutes of the State of  
Texas, 1925, providing additional  
purposes for which corporations may  
be formed under the laws of Texas  
under what shall be known as 'Title  
and Trust Companies'; providing  
said corporations may be incorpor-  
ated for one or more of the purposes  
stated, and that no corporation in-  
corporated under this section shall  
be incorporated for less than one  
hundred thousand dollars, and de-  
claring an emergency."

Respectfully submitted

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 452, A bill to be entitled  
"An Act to amend Chapter 93 of the  
acts of the Thirty-fifth Legislature  
as amended and approved by the  
Governor March 18, 1918, and being  
'An Act restoring jurisdiction on the  
county court of El Paso County, and  
making same concurrent with the  
county court at law of El Paso  
County,' prescribing and fixing juris-  
diction of the county court of El  
Paso County, Texas; prescribing and  
fixing the jurisdiction of the county  
court at law of El Paso County,  
Texas; fixing the salary of the  
judges of the El Paso County court  
of El Paso County, and of El Paso  
County court at law; providing for  
the election of the judge of the El  
Paso County court at law; providing  
for the appointment of special  
judges; fixing and prescribing the  
jurisdiction of the county court of  
El Paso County, Texas, and investing  
the county court at law of El Paso  
County, Texas, with all jurisdiction  
of civil and criminal cases, original  
and appellate, over which, by the  
General Laws of the State of Texas  
and county court has jurisdiction;  
providing for the appointment of an  
official shorthand reporter of the El

Paso County court at law, and pro-  
viding for the compensation thereof,  
and fixing the salary of the judge of  
the county court of El Paso County;  
providing and authorizing the ap-  
pointment of an official shorthand  
reporter for the county court of El  
Paso County, Texas, and fixing the  
compensation thereof, and authoriz-  
ing the county judge of El Paso  
County, Texas, to appoint such of-  
ficial shorthand reporter, and de-  
claring an emergency."

H. B. No. 588, A bill to be entitled  
"An Act making it illegal to take or  
trap fur-bearing animals in Cass  
County, and providing a penalty, and  
declaring an emergency."

H. B. No. 605, A bill to be entitled  
"An Act amending Section 2, of Arti-  
cle 199, Title 8, Revised Civil Stat-  
utes of Texas of 1925, and providing  
for changing and prescribing terms  
and times of holding the courts in  
the Second Judicial District of  
Texas; validating and continuing all  
processes and writs, bonds and recog-  
nizances, and making them return-  
able to the terms of court in the  
several counties in said district as  
herein fixed; to validate the sum-  
moning of grand and petit jurors  
under the present law so as to render  
them available under the present act;  
to repeal all laws and parts of laws  
in conflict herewith; providing for  
and declaring an emergency, and  
providing time for the act to take  
effect."

Respectfully submitted

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 12, A bill to be entitled  
"An Act to amend Chapter 5, Title  
85, of the Revised Civil Statutes of  
the State of Texas, adopted at the  
Regular Session of the Thirty-ninth  
Legislature, by adding a new article  
thereto, following Article 5400, to  
be known as Article 5400-A, author-  
izing the locator or owner of a mine  
or mining claim to connect the same  
by an aerial tramway with the near-  
est smelter or nearest line of rail-  
road, and to purchase or condemn  
a right of way therefor upon certain  
conditions, and declaring an emer-  
gency."

H. B. No. 63, A bill to be entitled "An Act amending Article 1087 of the Code of Criminal Procedure of the State of Texas, relating to the arrest and custody of a delinquent child or children, so as to provide for the detention of such child or children in counties having a population of fifty thousand or more, and declaring an emergency."

Respectfully submitted

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 314, A bill to be entitled "An Act to amend Section 19, of Article 8306, of the Revised Civil Statutes of Texas of 1925, relating to compensation for employes hired in Texas but injured outside of Texas, so as to provide that said section shall be amended to read as set forth in this act, and to declare an emergency."

H. B. No. 386, A bill to be entitled "An Act to amend Article 3888 of the Revised Civil Statutes for 1925, so as to make provision for the funds out of which the salary of judges acting as ex-officio superintendent would be paid, and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act amending Article 6676 of the Revised Statutes of 1925, declaring motor vehicles belonging to municipal corporations not subject to the license taxes provided for in Chapter 1, of Title 116, of said Revised Statutes, and declaring an emergency."

H. B. No. 527, A bill to be entitled "An Act to amend Article 288 of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, so as to make it lawful to teach the Spanish language in the elementary grades in public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of five thousand inhabitants, or more, according to the United States census of 1920, and declaring an emergency."

S. B. No. 7, A bill to be entitled "An Act to amend Article 1855 of the Revised Statutes of (1925) so as to require Courts of Civil Appeals to certify to the Supreme Court any question of law involved in a decision of the Court of Civil Appeals in any case which conflicts with an opinion rendered by the Supreme Court of by some other Court of Civil Appeals of this State, and any question of law involved in any case before the Court of Civil Appeals of which the Court has final jurisdiction, which is important to the jurisprudence of the State and which has not been previously decided by the Supreme Court, and to authorize the Supreme Court to issue writs of mandamus to compel the certification of such question; and to repeal Subdivision 6 of Article 1728, Revised Statutes (1925), giving the Supreme Court Jurisdiction of such questions by writ of error; and declaring an emergency."

With amendments.

S. B. No. 25, A bill to be entitled "An Act fixing the salaries of Judges of the Supreme Court, of the Court of Criminal Appeals, of the Judges of the Commission of Appeals and of the Commission in aid of the Court of Criminal Appeals, and Judges of the Courts of Civil Appeals and District Courts of this State, and declaring an emergency."

With amendments.

S. B. No. 430, A bill to be entitled "An Act providing for expenses of members of the State Highway Commission in connection with official duties; providing for the payment of said expenses out of an appropriation of the State Highway Fund heretofore made; and declaring an emergency."

S. B. No. 437, A bill to be entitled "An Act to revive and extend the time of expiration of Oil and Gas permit No. 7987 on 36.2 acres of the bed of Goose Creek in Harris County, Texas, for a period of three years from June 11, 1927, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

Respectfully submitted

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

H. B. No. 81, A bill to be entitled "An Act to amend Article 577 of the Code of Criminal Procedure."

H. B. No. 97, A bill to be entitled "An Act to regulate practice in the district and county courts, requiring litigants to furnish the clerk of court duplicate originals of all pleadings and all other papers filed in the cause during its progress or incident to appeal or writ of error."

Engrossed rider.

H. B. No. 158, A bill to be entitled "An Act to authorize and empower county commissioners courts to control and regulate the use of county roads and highways, other than parts of the system of designated highways, and to protect such roads from damage by regulating the class of vehicles and the loads carried thereon; permitted to use such county roads; providing such act shall not repeal any law but shall be cumulative of all similar statutes, and providing a penalty for the violation thereof."

H. B. No. 212, A bill to be entitled "An Act to amend Articles 6686 and 6688 of Revised Civil Statutes of 1925, which articles provide for the manner of registering motor vehicles by manufacturers or dealers, the issuance of distinctive license plates to such dealers and manufacturers; and which amendments provide for the filing with the registration officer by every dealer affidavit of occupation as dealer, indicating make of motor vehicle sold; providing motor vehicles and motor cycles shall be registered in the county of residence of owner or of main place of business; providing for two number plates, marked 'front' and 'rear'; providing that every dealer or manufacturer shall transmit notice of every sale of motor vehicle to the Highway Department, and declaring an emergency."

H. B. No. 215, A bill to be entitled "An Act to amend Article 6143, Title 106, providing that the State Board of Control and State Parks Board shall give due consideration to the pecan tree when beautifying State parks or other public property belonging to the State, and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act to repeal all of Article 5131

of the Revised Civil Statutes of Texas, and declaring an emergency."

H. B. No. 228, A bill to be entitled "An Act to amend Article 5125 of the Revised Civil Statutes of Texas for 1925, so that all male persons, regardless of color, under the age of seventeen (17) years who shall be lawfully committed to the State Juvenile Training School as a delinquent child shall be received as inmates of said training school, and declaring an emergency."

H. B. No. 280, A bill to be entitled "An Act to provide authority to the State Highway Commission to select and maintain detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the commission and of the counties therewith; and providing authority to county commissioners courts to select and maintain temporary detour roads in the counties where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the duties of the commissioners' court therewith."

Respectfully submitted

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 470, A bill to be entitled "An Act amending Article 2686 of the Revised Civil Statutes of Texas, by providing that from the decision of the county superintendent of public instruction shall lie to the county school trustees, and from the county school trustees, to the court having proper jurisdiction of the subject matter, where a trial de novo shall be had; all laws and parts of laws in conflict herewith are hereby repealed."

H. B. No. 572, A bill to be entitled "An Act to amend Chapter 2, Title 128, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature by adding thereto a new article to be known as Article 7622a, authorizing lands, either within or without water improvement districts, to be included within a district or-

ganized for co-operation with the United States under the Federal reclamation laws, for the purpose of the construction of irrigation works or the obtaining of a water supply therefrom, and declaring an emergency."

H. B. No. 580, A bill to be entitled "An Act organizing and dividing the State of Texas into nine Administrative Judicial Districts, naming the counties composing each Administrative District, providing for the appointment of a presiding judge in each Administrative District; prescribing the powers and duties of each presiding judge; providing for the payment of expenses incurred in the administration of this act, and declaring an emergency."

H. B. No. 593, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied male citizens of Wilson county, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax and further providing for a penalty for failure or refusal to pay such tax; repealing all laws in conflict therewith, and declaring an emergency."

Respectfully submitted

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to concur in Senate amendments to H. B. No. 561 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Teer, Barron, Satterwhite, Wallace of Freestone, and Parrish of Travis.

Respectfully submitted

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 433, A bill to be entitled "An Act appropriating the sum of

\$36,000, or as much thereof as may be necessary, for the compensation and expenses of the commissioner appointed by the Supreme Court of the United States under the decree of January 3, 1927, in Cause No. 6, Original, October Term, 1926, styled the State of Oklahoma, Complainant vs. the State of Texas, Defendant, the United States of America, Intervener, to run the boundary line between the State of Texas and the State of Oklahoma, and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act repealing Chapter 9, of the Local and Special Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session in 1921, relating to the road system of Coryell County."

H. B. No. 585, A bill to be entitled "An Act to amend Article 1422 of the Penal Code of the State of Texas for 1925, so as to provide that the punishment for theft of property of the value of five dollars or under shall be by fine not exceeding two hundred dollars, and declaring an emergency."

H. B. No. 614, A bill to be entitled "An Act to create a special and more efficient road system for Jasper County, in the State of Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; providing for the working of county convicts upon the public roads, bridges and streets; providing for the amount of credit he shall receive for such work and providing for commutation of sentence of faithful service and providing for the hiring of county convicts to individuals of the county for either public or private employment; defining the powers and duties of road overseers and placing them directly under the jurisdiction and control of said road commissioners; providing a penalty for the obstruction of driveways or ditches on public roads; providing that said county may assist in financing for improvement and maintenance of streets in cities and incorporated towns in the county and making this act cumulative of the general laws now in force, and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act creating the county court at law of Hidalgo County, Texas; fixing

and defining the jurisdiction and terms thereof; prescribing the qualifications, manner of appointment and election, term of office, compensation and powers of the regular or special judge thereof; providing for the filling of vacancies of the office of judge thereof and for a clerk and bailiff and seal therefor; defining the powers of such seal; fixing the fees of the clerk thereof and of officers executing processes issued therefrom; declaring that the jurisdiction of the county court of Hidalgo County shall not be hereby effected; providing for transfer of cases between the said county court; declaring the validity in transferred cases of processes extant at the time of such transfer; prescribing the practice in said court, and declaring an emergency."

Respectfully submitted

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

S. C. R. No. 29. Recalling S. B. No. 232 from the Governor.

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

#### House Bill No. 551.

On motion of Senator Wirtz, H. B. No. 551 was withdrawn from the Committee on State Affairs and referred to the Committee on Military Affairs.

#### House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

House Bill No. 212 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 93 read and referred to Committee on State Affairs

House Bill No. 452 read and referred to Committee on Judicial Districts.

House Bill No. 588 read and referred to Committee on Criminal Jurisprudence.

House Bill No. 605 read and referred to Committee on Judicial Districts.

House Bill No. 12 read and referred to Committee on Mining, Irrigation and Drainage.

House Bill No. 63 read and referred to Committee on Criminal Jurisprudence.

House Bill No. 97 read and referred to Committee on Civil Jurisprudence.

House Bill No. 81 read and referred to Committee on Criminal Jurisprudence.

House Bill No. 158 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 215 read and referred to Committee on State Affairs.

House Bill No. 227 read and referred to Committee on Civil Jurisprudence.

House Bill No. 280 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 228 read and referred to Committee on State Affairs.

House Bill No. 527 read and referred to Committee on Educational Affairs.

House Bill No. 439 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 314 read and referred to Committee on Labor.

House Bill No. 386 read and referred to Committee on State Affairs.

#### Simple Resolution No. 77.

Senator Love sent up the following resolution:

Be it Resolved by the Senate of the Fortieth Legislature, that:

Section 1. Immediately upon the passage of this resolution, a special committee of five members shall be appointed by the President of the Senate, with the approval of the Senate, which committee shall be charged with the duty of making a full and thorough investigation and survey of all matters and conditions pertaining to the representation before this session of the Texas Legislature, and previous sessions thereof, of any and all persons, firms and corporations desiring to influence the passage or defeat of proposed legislation, or of any matter before the Legislature.

It shall be the duty of said committee and it is fully empowered and authorized to investigate and ascertain any and all means and methods that have been employed to promote or defeat legislation, in-

cluding the terms and conditions of employment of any and all persons for such purposes and any and all disbursements made for the purpose of influencing in any way the passage or defeat of any legislation and any and all other facts which will inform the Senate of any and all means and methods used or sought to be used to affect the action of the Legislature of Texas upon legislative matters.

Sec. 2. Said committee shall have power to issue process for witnesses to any place in this State, and to compel the attendance and the production of books and records, and upon the disobedience of any subpoena so issued, said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or by the sheriff or any constable of any county in this State. Said committee and any member thereof shall further have power to administer oaths of affirmations of witnesses and to summon and examine witnesses under oath for the purposes of the investigation hereby authorized.

Sec. 3. Witnesses attending the sessions of said committee under process shall be allowed the same mileage and per diem as are allowed witnesses in the trial of criminal cases in the district courts of this State and sheriffs or constables shall be allowed the same fees for serving process as are allowed for similar services by the Laws of this State.

Section 4. The said committee shall begin its investigation as promptly as possible and may sit at such place or places as it may deem advisable and exercise its functions either while the Legislature is in session or when it is not in session, and shall file its report with the President of the Senate as early as possible, who shall, at the first opportunity, present the same to the Senate. The testimony heard by said committee shall be stenographically reported and the same shall be transcribed and reduced to writing and a copy thereof shall be filed with the committee report. All testimony taken by the committee shall be in open hearings.

Sec. 5. Each member of said committee shall receive five dollars per day for the time actually devoted by

him to the work of said committee while the Legislature may not be in session together with hotel bills and travelling expenses actually incurred and the committee shall be empowered to employ such help for the performance of its duties as it may deem advisable and to fix the compensation thereof.

Sec. 6. The sum of three thousand (\$3,000.00) dollars, or as much thereof as may be necessary, is hereby appropriated out of the contingent expense fund of the Senate to meet the expenses incident to the investigation authorized by this resolution.

Senator Bowers moved that the resolution be referred to the Committee on State Affairs, with the instructions to give the proponents of the bill any opportunity to testify as to the necessity for the resolution and the resolution itself.

The motion prevailed by the following vote:

Yeas—19.

Bailey.	Real.
Bowers.	Russek.
Floyd.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Wood.
Pollard.	

Nays—12.

Berkeley.	McFarlane.
Bledsoe.	Neal.
Fairchild.	Price.
Greer.	Reid.
Lewis.	Smith.
Love.	Woodward.

**Bills Signed.**

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 437.  
S. B. No. 430.

**Senate Bill No. 7.**

On motion of Senator Bailey, the Senate refused to concur in the House amendment to S. B. No. 7 and asked for a free conference committee.

### Free Conference Committee Appointed.

The Chair announced the appointment of the following on the part of the Senate as the Free Conference Committee on S. B. No. 7:

Senators Bailey, Woodward, Wirtz, Bowers and Price.

### House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

House Bill No. 470 read and referred to Committee on Civil Jurisprudence.

House Bill No. 572 read and referred to Committee on Civil Jurisprudence.

House Bill No. 580 read and referred to Committee on Judicial Districts.

House Bill No. 593 read and referred to Committee on State Affairs.

### Simple Resolution No. 78.

Senator Holbrook received unanimous consent to send up the following resolution:

Whereas, Articles Nos. 432, 433, and 434 of the Revised Criminal Statutes of this State composed and set out what is known as the Nepotism Acts of Texas, and

Whereas, Article 432 specifically inhibits any member of the Legislature from appointing or voting for any person to any office, position or clerkship in this State which said person may be related to that member within the second degree by affinity or within the third degree by consanguinity, and

Whereas, it is the judgment of this Senate that this law is sound, as a declaration of public policy, and should be strictly enforced in the interest of good government;

Therefore, be it Resolved, That the Senate of Texas would view with disapproval any attempt on the part of any member of this body seeking employment for relatives coming within the degree mentioned in the above statutes, from heads of State Departments or from any other officers in this State, as enumerated in said statutes.

The resolution was read.

### Recess.

On motion of Senator Lewis, the Senate, at 12:15 o'clock p. m., recessed until 2:00 o'clock p. m.

### After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Miller.

### Simple Resolution No. 78.

The question recurred upon the adoption of S. R. No. 78.

Senator Bowers moved to refer this resolution to a committee.

Senator Holbrook moved to table the motion. The motion to table was lost.

The motion to refer prevailed by the following vote:

Yeas—17.

Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Lewis.	Smith.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Parr.	Woodward.
Pollard.	

Nays—8.

Bailey.	Holbrook.
Berkeley.	Neal.
Fairchild.	Triplett.
Greer.	Ward.

Present—Not Voting.

Hall.	Wirtz.
Stuart.	

Absent.

Hardin.	Russek.
Miller.	

The resolution was referred to the Committee on State Affairs.

### Senate Bill No. 25.

On motion of Senator Bledsoe, the Senate refused to concur in the House amendment to S. B. No. 25 and asked for a free conference committee.

### Free Conference Committee Appointed.

The Chair announced the appointment of the following on the part of



the Senate as the Free Conference Committee on S. B. No. 25.

Senators Bledsoe, Woodward, Stuart, Witt and Price.

#### Simple Resolution No. 79.

Senator Witt sent up the following resolution:

By Senators Witt, Love, Moore, Stuart, Real, Reid, Woodward, Wood, Berkeley, Bowers, Hall, Lewis, Bledsoe, Hardin, Smith, Pollard, Price, Floyd, Triplett, Ward, McFarlane, Greer, Neal, Westbrook:

Be it Resolved by the Senate of the State of Texas, That Senate Rule No. 37 be and the same is hereby amended so as to hereafter read as follows:

"37. All resolutions, except those named in the preceding rule, shall be acted on upon their introduction, or on motion postponed or referred to an appropriate committee. During the remainder of this session the maximum time during which simple or concurrent resolutions may be considered during any one legislative day shall be thirty minutes."

The resolution was read and referred to the Committee on Rules.

#### Senate Joint Resolution No. 30.

The Chair laid before the Senate, on third reading the following resolution:

S. J. R. No. 30, A joint resolution "Proposing an amendment to the State Constitution providing that hereafter members of the Legislature shall receive the same compensation or per diem after the first sixty days of a session as they receive for the first sixty days thereof."

Senator Love sent up the following amendment:

Amend by writing in the blanks "first day of August."

The amendment was adopted by unanimous consent.

The resolution as amended was passed finally by the following vote:

Yeas—24.

Berkeley.	Love.
Bledsoe.	Miller.
Bowers.	Moore.
Fairchild.	Neal.
Greer.	Parr.
Hall.	Pollard.
Lewis.	Price.

Real.  
Reid.  
Russek.  
Smith.  
Stuart.

Triplett.  
Ward.  
Westbrook.  
Wood.  
Woodward.

Nays—3.

Holbrook.  
McFarlane.

Wirtz.

Absent.

Bailey.  
Floyd.

Hardin.  
Witt.

#### Senate Joint Resolution No. 28.

The Chair laid before the Senate, on third reading the following resolution:

S. J. R. No. 28, A joint resolution "Proposing an amendment to the State Constitution authorizing Tom Green, Schleicher, Sutton, Edwards, and Val Verde Counties, or districts in said counties pursuant to a majority vote of the property taxpaying voters in said counties, or districts, to issue bonds and invest the proceeds thereof in aid of railroad construction."

The committee report carrying amendments was adopted.

Senator Berkeley sent up the following amendments:

Amend S. J. R. No. 28 by striking out of the caption the following:

"Val Verde"

Amend S. J. R. No. 28 by striking out of Subdivision (a) of Section 3A of Section 1 of the resolution the following:

"Val Verde"

Amend S. J. R. No. 28 by striking out all of Subdivision (k) of Section 3A of Section 1 of the resolution.

Amend S. J. R. No. 28 by striking out of Section 2 of the resolution, page 6 of the original typewritten resolution the following:

"Val Verde"

Amend S. J. R. No. 28 by striking out of Section 2 of the resolution, page 7 of the original typewritten resolution, the following:

"Val Verde"

The amendments were read and adopted by unanimous consent.

The resolution as amended passed to engrossment by the following vote:

## Yeas—14.

Berkeley.	Neal.
Bowers.	Parr.
Floyd.	Real.
Greer.	Reid.
Lewis.	Witt.
Love.	Wood.
Moore.	Woodward.

## Nays—9.

Fairchild.	Russek.
Holbrook.	Smith.
Miller.	Triplett.
Pollard.	Westbrook.
Price.	

## Present—Not Voting.

Hall.	Wirtz.
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## Absent.

Bailey.	McFarlane.
Bledsoe.	Stuart.
Hardin.	Ward.

## Senate Bill No. 64.

On motion of Senator Real, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 64, A bill to be entitled "An Act to amend Title 1, Chapter 1, Article 3943, Revised Civil Statutes of Texas, relating to fees of office of county treasurers, so as to hereafter read as follows:"

The bill was read second time.

Senator Love sent up the following amendment:

Amend the amendment by inserting in line 21 after the words "or more" the following: "and less than two hundred and ten thousand."

The amendment was read and adopted.

Senator Real sent up the following amendment:

Amend S. B. No. 64 by striking out on page 2, line 23, in the printed bill, all of the committee amendment No. 2.

The amendment was read and adopted.

The committee report as amended was adopted.

Senator Hall sent up the following amendment:

Amend S. B. No. 64 by striking out in line 12 the words "two thousand" and inserting "one thousand."

The amendment was read and unanimously adopted.

The bill as amended passed to engrossment.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

## Absent.

Hardin.

The bill was read third time and passed finally, by the following vote:

## Yeas—26.

Bailey.	Parr.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.

## Absent.

Bledsoe.	Pollard.
Hardin.	Stuart.
Moore.	

## Senate Bill No. 266.

The Chair laid before the Senate, as special order after the morning call, the following bill:

S. B. No. 266, A bill to be entitled "An Act amending Article 1109, Chapter 10, of the Revised Statutes of the State of Texas, so as to make same applicable to all cities and towns and, by adding thereto Sections 7, 8 and 9, extending the privileges and rights granted under said Article to public utilities corpora-

tions and associations operating under a franchise granted by such cities and towns and engaged in the business of supplying cities and towns with water; and authorizing said cities and towns owning and operating their own water works systems, and public utilities corporations and associations engaged in the business of supplying cities and towns with water for fire protection and domestic consumption, to acquire by purchase, gift, or by the exercise of eminent domain, riparian and prescriptive rights and other rights, to the use of water and providing that when so acquired such riparian, prescriptive and other water rights shall be detached from the land to which they formerly belonged; and further providing that the water supply of such cities and towns and such public utilities corporations and associations so supplying such cities and towns with water, shall be augmented to the extent of the amount of water and the use thereof so acquired that was formerly appurtenant to and used by any tract of land involved in any condemnation proceeding authorized by the provisions of this Article, and declaring an emergency."

The bill was read second time.

Senator Wirtz moved to indefinitely postpone the further consideration of this bill and all pending substitutes and amendments. The motion prevailed.

#### House Bills Read and Referred.

After their captions had been read, the Chair referred the following bills:

House Bill No. 433 read and referred to Committee on Finance.

House Bill No. 498 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 585 read and referred to Committee on Criminal Jurisprudence.

House Bill No. 614 read and referred to Committee on Highways and Motor Traffic.

House Bill No. 630 read and referred to Committee on Judicial Districts.

#### Senate Concurrent Resolution No. 29

Senator McFarlane received unanimous consent to send up the following resolution:

S. C. R. No. 29, recalling S. B. No. 232 from the Governor.

The resolution was read and adopted.

#### Senate Bill No. 253.

Senator Westbrook called up from the Journal where it was previously spread the motion to reconsider the vote by which the Senate refused to finally pass S. B. No. 253.

Senator Bailey moved to table the motion. The motion to table was lost by the following vote:

#### Yeas—12.

Bailey.	Miller.
Berkeley.	Parr.
Bledsoe.	Price.
Hall.	Russek.
Holbrook.	Triplett.
Lewis.	Wirtz.

#### Nays—15.

Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Greer.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.
Pollard.	

#### Absent.

Hardin.	Real.
Neal.	Ward.

The motion to reconsider prevailed by the following vote:

#### Yeas—15.

Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Stuart.
Greer.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.
Pollard.	

#### Nays—12.

Bailey.	Miller.
Berkeley.	Parr.
Bledsoe.	Price.
Hall.	Russek.
Holbrook.	Triplett.
Lewis.	Wirtz.

#### Absent.

Hardin.	Real.
Neal.	Ward.

The Chair laid before the Senate, on final passage, the following bill:

S. B. No. 253, A bill to be entitled "An Act creating the Board of Insurance Commissioners, providing for the appointment of the members, terms of office and their duties, repealing conflicting statutes, and declaring an emergency."

The bill was passed finally.

#### Free Conference Committee Report.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred

S. J. R. No. 24, A joint resolution "Proposing an amendment of Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system."

Have had same under consideration, and beg leave to report that we have adjusted the differences between the House and the Senate on said Resolution, and recommend the passage and adoption of the following Substitute Resolution:

By Wood.

S. J. R. No. 24.

#### A Joint Resolution

Proposing an amendment of Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of the State of Texas, be amended so as to read as follows:

Section 2 (of Article V): The Supreme Court shall consist of a Chief Justice and eight Associate Justices, five of whom shall constitute a quorum, and the concurrence of five judges shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election or appointment, a citizen of the United States and of this State, and unless he shall have attained the age of thirty years and shall have been a licensed lawyer for seven years and, during that

time, shall have been a practicing lawyer or judge of a court of record, or such practicing lawyer and judge together. Said Chief Justice and Associate Justices shall be elected by the qualified voters of the State, at a general election, and shall hold their offices six years, or until their successors are elected and qualify, and shall receive such compensation as may be provided by law. In case of a vacancy in the office of Chief Justice or Associate Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualify. When this amendment takes effect, the Governor shall immediately appoint six additional Associate Justices of the Supreme Court for terms of office so that the terms of two of such appointed Associate Justices shall expire with the term of office of each of the present members of the Supreme Court, and, upon the qualification of such new Justices, the Commission of Appeals of the State of Texas shall terminate.

Section 3 (of Article V): The Supreme Court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in the cases in the Courts of Civil Appeals in which the Judges of any Court of Civil Appeals may disagree or where the several courts of civil appeals may hold differently on the same question of law, or where a statute of the State is held void, and to questions of law arising in such other cases of which the Courts of Civil Appeals have appellate jurisdiction as may be prescribed by law; provided, that the Legislature may authorize direct appeals from the county and district courts in any case where a statute of the State has been declared void. The Supreme Court and the Judges thereof shall

have power to issue writs of habeas corpus as may be prescribed by law; and, under such regulations as may be prescribed by law, the said Court and the Judges thereof may issue the writs of mandamus, procedendo, certiorari, and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified except as against the Governor of the State. The Supreme Court shall also have power, upon affidavit or otherwise, as by the Court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall be open at all times and shall sit at the State Capitol for the transaction of business at such times as may be designated by the Court. The present statutes defining the jurisdiction of the Supreme Court not in conflict herewith shall continue in effect until repealed or altered by the Legislature. The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said Court for good cause entered of record on the minutes of said Court, and who shall receive such compensation as the Legislature may provide.

Sec. 4 (of Article V). The Court of Criminal Appeals shall consist of three judges, provided that the Legislature may increase the number to five, and a majority of the judges shall constitute a quorum, and the concurrence of a majority of the judges shall be necessary to the decision of any case. Said judges shall have the same qualifications and receive the same salaries as the judges of the Supreme Court. They shall be elected by the qualified voters of the State, at a general election, and shall hold their offices for a term of six years. The judges of the Court of Criminal Appeals who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and Laws.

Sec. 6 (of Article V). The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with

the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and the Legislature may confer original jurisdiction upon it to issue writs of mandamus, procedendo and certiorari in criminal cases. The Court of Criminal Appeals and the judges thereof shall have the power to issue the writ of habeas corpus and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have the power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. Said Court shall be open at all times and shall sit at the State Capital for the transaction of business at such times as may be designated by it. Said Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he shall hold his office for four years, unless sooner removed by the Court for good cause entered of record on the minutes of said court, and said clerk shall receive such compensation as may be prescribed by law.

Sec. 6 (of Article V). The Legislature shall, from time to time, divide the State into such number of Supreme Judicial Districts as to it may seem necessary, not exceeding twelve at any one time, and shall have the power to re-district the State at any time, and shall establish a Court of Civil Appeals in each of said districts, which Court shall consist of a Chief Justice and not less than two associate justices as the Legislature may provide, who shall have the qualifications as herein prescribed for justices of the Supreme Court, provided that the aggregate number of judges of all of the Courts of Civil Appeals shall never at one time exceed thirty-six. Each of the existing Courts of Civil Appeals shall continue until otherwise provided by law. The Courts of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts and county courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law; provided, that

the decisions of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said Courts of Civil Appeals shall hold their sessions at such places as may be designated by the Legislature and at such times as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive such compensation as may be provided by law. Said Courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the Clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law. The Judges of the Courts of Civil Appeals who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under the present election or appointment.

Sec. 7 (of Article V). The State shall be divided into as many Judicial Districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State, who shall have been a licensed lawyer for four years next preceding his election, and during that time shall have been a practicing lawyer or judge of a court of record or such practicing lawyer and judge together, who shall have resided in the district in which he was elected for two years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the term of four years, and shall receive for his services such compensation as may be required by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The Legislature shall have power, by general or special laws, to authorize the holding of special terms of the court or the holding of more than two terms in any county for the dispatch of business. The Legislature shall also provide for the holding of district court when the judge there-

of is absent or is, from any cause, disabled or disqualified from presiding. The Supreme Court or the Chief Justice thereof may assign any district judge to any district in the State other than that for which he was elected, with all the powers of a resident district judge of the district to which he is assigned, under such regulations as may be prescribed by the Legislature, or by the Supreme Court in the absence of such regulations enacted by the Legislature. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Sec. 2. Said proposed amendment shall be submitted to a vote of the electors of this State qualified to vote on constitutional amendments at an election to be held throughout the State on the first Monday in August, A. D. 1927, at which each voter opposing said amendment shall scratch off of the ballot with pen or pencil the following words printed thereon:

"For the amendment to the State Constitution amending Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system;"

and each voter favoring said amendment shall scratch off of the ballot in the same manner, the following words printed thereon:

"Against the amendment to the State Constitution amending Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system."

If it shall appear from a return of said election that a majority of the votes cast have been cast on favor of said amendment, it shall become a part of the Constitution of the State of Texas.

Sec. 3. The Governor shall issue his proclamation calling said election and have the same published and said election held in accordance with this resolution and the Constitution and Laws of this State; and return shall be made and the votes canvassed and counted as provided by law; and if said amendment is adopted by the required vote of the qualified electors of this State, the

Governor shall issue his proclamation as required by law.

Sec. 4. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for publication of the proclamation calling said election and any expense of the State in submitting said amendment and holding said election.

Respectfully submitted,

ACKER,  
FLY,  
RAWLINS,  
SINKS,  
PETSCH,

On the part of the House.

STUART,  
WOOD,  
BLEDSOE,  
BAILEY,  
LEWIS,

On the part of the Senate.

The committee report was read and adopted by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bowers.	Real.
Hardin.	Ward.
McFarlane.	

#### Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Executive Department,

Austin, Texas, March 8, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint Honorable Curtis Douglass of Carson County, Texas, to be district attor-

ney of the Eighty-fourth Judicial District of the State of Texas.

Respectfully submitted,

DAN MOODY,

Governor.

Read and referred to Committee on Governor's Nominations.

Executive Department,

Austin, Texas, March 8, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons of Galveston County, to be members of the Board of Commissioners of Pilots of the port of Galveston and Texas City:

J. H. Langben, P. M. Gengler, E. V. Rhodes, Robert I. Cohen, George D. Morgan.

Respectfully submitted,

DAN MOODY,

Governor.

Read and referred to Committee on Governor's Nominations.

Executive Department,

Austin, Texas, March 8, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons to the office designated, respectively:

Mr. David Rice, Mr. H. B. Rice, Jr., Mr. C. P. Reynaud, Mr. E. R. Morgan, Mr. T. E. Mulvihill, Mr. L. D. Banfiard, Mr. C. G. Timmins, Mr. J. D. Woolford, Mr. A. E. Coles, Mr. R. E. Tankersley, Mr. D. A. Daley, Mr. J. H. Lewis, Mr. G. T. Christensen, Mr. R. R. Cottingham, all of Harris County, Texas, to be public weighers for Harris County, Texas, under Article 5692.

Mr. E. K. Marrast of Galveston County, to be public weigher for Galveston County, Texas, under Article 5692.

Respectfully submitted,

DAN MOODY,

Governor.

Read and referred to Committee on Governor's Nominations.

#### Free Conference Committee

##### Appointed.

The Chair announced the appointment of the following on the part of the Senate as the Free Conference Committee on H. B. No. 361:

Senators Wood, Parr, Stuart, Bowers, Hall.

**Senate Bill No. 232.**

In accordance with S. C. R. No. 29, the Chair erased his name, with the consent of the Senate, from S. B. No. 232.

**Senate Bill No. 464.**

On motion of Senator Holbrook, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 464, A bill to be entitled "An Act amending Article 2529, Revised Civil Statutes of 1925, relating to the security required of State depository banks and fixing the interest rate to be paid by said banks; amending Article 2533, Revised Civil Statutes of 1925, providing for the waiving of the payment of interest on such funds by Reserve depository banks under certain circumstances; repealing Article 2538, Revised Civil Statutes of 1925, authorizing the Treasurer to invest State funds in United States Government bonds, and repealing Articles 2540, 2541, 2542 and 2543, Revised Civil Statutes of 1925, creating the Texas Rate Making Board and fixing its duties, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 464 was put on its third reading and final passage, by the following vote:

**Yeas—27.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

**Absent.**

Bowers.	Real.
Hardin.	Ward.

The bill was read third time and passed finally, by the following vote:

**Yeas—28.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

**Absent.**

Bowers.	Real.
Hardin.	

**Senate Bill No. 447.**

On motion of Senator Parr, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 447, A bill to be entitled "An Act to create a court to be known as the County Court of Cameron County at Law; to define the jurisdiction of said court, to fix the terms thereof; to provide the clerk to be appointed by the county clerk of Cameron County, to fix the qualification, bond and salary of the judge and clerk thereof, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 447 was put on its third reading and final passage, by the following vote:

**Yeas—29.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Lewis.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

**Absent.**

Hardin.	Real.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin. Real.

#### Senate Bill No. 232.

Senator McFarlane moved to reconsider the vote by which S. B. No. 232 passed the Senate. The motion prevailed.

Senator McFarlane sent up the following amendment:

Amend the caption of S. B. No. 232 by inserting after the word "banking" in line 10, the following: "or insurance" and by striking out line 12 and inserting in lieu thereof the following: "performance of any lawful act; to borrow money or issue debentures for enumerated purposes to subscribe;" by striking out the word "disbentures" in line 15 and by inserting in lieu thereof the word "debentures."

The amendment was read and adopted by unanimous consent.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 232, Section 1, by inserting after the word "purposes" in line 24 the following: "without banking or insurance privileges" and by striking out the following words in line 25 and 26: "but without banking privileges" and by striking out the following words in line 28: "to issue debentures" and by adding the following after the word "business" in line 1, page 2: "To borrow money or issue debentures for any or all purposes above enumerated;"

The amendment was read and the amendment was adopted by unanimous consent.

The bill as amended passed finally by the following vote:

Yeas—18.

Bledsoe.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Love.	Westbrook.
McFarlane.	Wirtz.
Neal.	Witt.
Parr.	Wood.
Pollard.	Woodward.

Nays—8.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bowers.	Miller.
Hall.	Moore.

Absent.

Hardin.	Stuart.
Price.	Ward.
Real.	

#### Bills Signed.

After its caption had been read, the Chair (Senator Wood) signed, in the presence of the Senate:

S. C. R. No. 29.

#### Senate Concurrent Resolution No. 30

Senator Woodward received unanimous consent to send up the following resolution:

S. C. R. No. 30, pertaining to the appointment of a committee to compile all the laws of the State relating to the public school system.

The resolution was read and referred to the Committee on Educational Affairs.

#### Senate Concurrent Resolution No. 31

Senator Moore received unanimous consent to send up the following resolution:

S. C. R. No. 31, urging Hon. Herbert Hoover to attend the convention of the East Texas Chamber of Commerce.

The resolution was read and adopted.

#### Simple Resolution No. 80.

Senator Witt received unanimous consent to send up the following resolution:

By Senators Witt, Fairchild, Miller, Woodward, Floyd, Love, Parr, Bledsoe, Smith, Russek, Reid, Berkeley, Bowers, Moore, Lewis, Greer, Neal, Wirtz, Triplett:

Whereas, the Hon. Tom Pollard, Jr., is in the Senate Chamber;

Be it Resolved, That he be invited to address the Senate and be placed on exhibition.

The resolution was read and adopted.

#### Senate Bill No. 295.

Senator Love moved to make S. B. No. 295 special order immediately after the morning call. The motion prevailed.

#### House Bill No. 314.

On motion of Senator Moore, H. B. No. 314 was re-referred to the Committee on Insurance.

#### Senate Bill No. 473.

On motion of Senator Fairchild, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 473, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the general revenue fund not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be deposited in the State Treasury; said appropriation being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927, and declaring an emergency."

The bill was read second time the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, the committee report that it be not printed was adopted.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 473 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Floyd.
Berkeley.	Greer.
Bledsoe.	Hall.
Bowers.	Holbrook.
Fairchild.	Lewis.

Love.	Smith.
McFarlane.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Reid.	Woodward.
Russek.	

Absent.

Hardin. Real.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin. Real.

#### Adjournment.

Senator Bailey moved that the Senate adjourn until 10 o'clock a. m. Wednesday.

Senator Witt moved as a substitute that the Senate recess until 8 o'clock p. m.

The motion to adjourn until 10 o'clock a. m. prevailed by the following vote:

Yeas—13.

Bailey.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Ward.
Miller.	Westbrook.
Pollard.	Wirtz.
Price.	

Nays—9.

Berkeley.	Reid.
Bledsoe.	Triplett.
Lewis.	Witt.
Love.	Wood.
Neal.	

Absent.

Bowers.	Moore.
Fairchild.	Parr.
Greer.	Real.
Hardin.	Woodward.
McFarlane.	

At 5:35 p. m., the Senate adjourned.

#### APPENDIX.

##### Petitions and Memorials.

Senator Ward sent up the following petition, and asked that it be printed in full:

To the Senate of the State of Texas:

Gentlemen:— Whereas, at the First Called Session of the Thirty-ninth Legislature of the State of Texas, a committee was appointed, charged with the duty, among other things, of investigating all irregularities that may exist in the John Tarleton Junior Agricultural College;

And Whereas, the said investigation necessarily included the investigation of the manner in which the Dean J. Thomas Davis has administered the affairs of said institution.

And Whereas, the said committee held said investigation behind closed doors, swore the witnesses to secrecy and declined to permit the said Dean to be present and hear any of the witnesses testify, and refused to permit counsel for the said Dean to be present at said hearing.

Now Therefore, we the undersigned citizens professional and business men of Stephenville, respectfully memorialize your Honorable body in the interest of justice and fairness, to refer the report of said committee to a tribunal that will hold an open hearing permitting the said Dean J. Thos. Davis to be present in person and to be represented by counsel at said hearing.

Respectfully requested.

Quite numerous signed.

Senator Bailey moved that this petition and the two reports of the investigating committee be referred to the Committee on Education.

The motion prevailed.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 265 carefully examined and compared, and find the same correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 375 carefully examined and compared, and find the same correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 394 carefully examined and compared, and find the same correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 398 carefully examined and compared, and find the same correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 399 carefully examined and compared, and find the same correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 460 carefully examined and compared, and find the same correctly enrolled, and have this day at 9:45 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 450 carefully examined and compared, and find the same correctly enrolled, and have this day at 10 o'clock a. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 430 carefully examined and compared, and find the same correctly enrolled, and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 437 carefully examined and compared, and find the same correctly enrolled, and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, March 4, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 220 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 452, A bill to be entitled "An Act to amend Chapter Ninety-three of the Acts of the Thirty-fifth Legislature as amended and approved by the Governor, March 18, 1918, and being an "An Act restoring jurisdiction on the county court of El Paso County, and making same concurrent with the County Court at Law of El Paso County," prescribing and fixing jurisdiction of the county court of El Paso County, Texas; prescribing and fixing the jurisdiction of the County Court at Law of El Paso County, Texas; fixing the salary of the judges of the El Paso county court of El Paso County and of the El Paso County Court at Law; providing for the election of the judge of the El Paso County Court at Law; providing for the appointment of special judges; fixing and prescribing the jurisdiction of the county court of El Paso County, Texas, with all jurisdiction of civil and criminal cases, original and appellate, over which, by the General Laws of the State of Texas the county court has jurisdiction; providing for the appointment of an official shorthand reporter of the El Paso County Court at Law, and providing for the compensation thereof, and fixing the salary of the judge of the county court of El Paso County; providing and authorizing the appointment of an official shorthand reporter for the county court of El Paso, County, Texas, and fixing the compensation thereof, and authorizing the county judge of El Paso County, Texas, to appoint such official shorthand reporter and declaring an emergency." Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room.

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 306, A bill to be entitled "An Act to regulate, control and limit the effect to be given all laws and rules of court procedure applying to the trial or appeal of any cause pending in any court of Texas, civil or criminal, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room.

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 626, A bill to be entitled "An Act to amend Article 1323 of Chapter 3 of Title 32 of the Revised Civil Statutes of Texas of 1925 so as to provide that any corporation formed under subdivision 1, 2 and 3 of Chapter 1 of Title 32 of such Revised Statutes may elect all or part of its directors for terms of not exceeding three years, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room.

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 294, A bill to be entitled "An Act validating the appointment of guardians when citation was published, as provided in Chapter 179, Acts Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room.

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 516, A bill to be entitled "An Act to amend Article 5525 of the Revised Civil Statutes of the State of Texas, 1925, by providing for the survival of a cause of action for injuries in case of the death of the injured person."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments:

(a) Strike out all after the enacting clause, and insert in lieu thereof the following:

Section 1. That Article 5525 of the Revised Civil Statutes of the State of Texas of 1925, be amended so as to read as follows:

Article 5525. Survival of Causes of Action.—All causes of action upon which suit has been or may hereafter be brought for personal injuries, or for injuries resulting in death, whether such injuries be to the health or to the reputation, or to the person of the injured party, shall not abate by reason of the death of the person against whom such cause of action shall have accrued, nor by reason of the death of such injured person, but in the case of the death of either or both, all such causes of action shall survive to and in favor of the heirs and legal representatives and estate of such injured party, and against the person or persons liable for such injuries and his or their legal representatives and may be instituted and prosecuted as if such person or persons against whom same accrued were alive."

Sec. 2. That Article 4675 of the Revised Civil Statutes of the State of Texas of 1925 be so amended so as to read as follows:

Article 4675.—Institution of Suit. Actions for damage arising from death shall be for the sole and ex-

clusive benefit of and may be brought by the surviving husband, wife, children and parents of the person whose death has been caused or by either of them for the benefit of all. If none of said parties commence such action within three calendar months after the death of the deceased, the executor or administrator of the deceased shall commence and prosecute the action unless requested by all of such parties not to prosecute the same. The amount recovered shall not be liable for the debts of the deceased.

Sec. 3. The fact that Article 5525 as the same now appears in the Revised Civil Statutes of the State of Texas is misleading and confusing as to its real purpose and intent, the fact there is a possible confusion between Article 4675, as now written, and Article 5525, and the further fact that the calendar of the House and Senate are very much crowded and that this Session of the Legislature is now nearing a close, creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days should be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

(b) Strike out the caption of the bill, and insert in lieu thereof the following:

#### A BILL

#### To Be Entitled

An Act to amend Articles 5525 and 4675 of the Revised Civil Statutes of the State of Texas of 1925, by providing for the survival of a cause of action for injuries in case of death of the injured person and regulating the institution of a suit for damage arising on account of death, and stating beneficiaries, and declaring an emergency.

and that the bill be not printed for the reason that these amendments are to be found in S. C. S. B. No. 309, which has been printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 453, A bill to be entitled "An Act providing for preservation

and protection of the public free school fund and of the asylum fund, and for recovery by the State of Texas of any and all lands rightfully belonging to the State of Texas or to any of said funds but which are now or may be held in possession of or claimed adversely to the State of Texas or to the fund to which such land belongs, and for recovery and collection of damages and of compensation resulting from or for any illegal taking or removal or cutting or use or destruction or injury or sale or appropriation of any and all minerals or timber or property of any kind out of or from or upon such land; providing that such recoveries and such collections shall be made by the Attorney General by suit or action in court, or otherwise, as he shall deem advisable and expedient in the particular instance, including compromises and settlements, any such compromise and settlement in any such suit or action to be by and with the approval of the court wherein such suit or action then may be pending, and that any such compromise settlement involving such land, whether made during pendency of such suit or otherwise, may include acquisition thereby, by such adverse holders or claimants of such land, or any of them, of mineral privileges, rights and leases in and on such land, or any portion or portions thereof, of such kinds as may be obtainable, otherwise, under then existing laws; imposing and conferring upon the Attorney General and the Commissioner of the General Land Office certain duties and powers, and imposing upon county attorneys certain duties and providing for their compensation, in the premises; providing that all applicable provisions of this Act shall extend and apply to any and all lands and to any and all claims for damages and to any and all claims for compensation that are or may be involved in any now pending suit or action wherein the State of Texas is a party litigant and is or shall be represented by the Attorney General; fixing venue of such suits and actions which may be filed or instituted by the Attorney General; repealing Article 5421 of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Have had same under consideration, and I am instructed to report

the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 448, A bill to be entitled "An Act validating the bonds of Cameron County Water Improvement District Number Five, in Cameron County, Texas, in the sum of six hundred thousand (\$600,000.00) dollars, authorized by an election held in said district on the 21st day of December, A. D. 1926, and validating all the acts done and performed by the board of directors, and officers, attorneys, agents, servants and employees of said district, and by the election officers who held said election, in connection with the holding of said election and the issuance of said bonds, and authorizing the expenditure of the proceeds from the sale of said bonds for drainage and reclamation purposes, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

By Parr.

S. B. No. 448.

#### A BILL

#### To Be Entitled

An Act validating the bonds of Cameron County Water Improvement District Number Five, in Cameron County, Texas, in the sum of six hundred thousand (\$600,000.00) dollars, authorized by an election held in said district on the 21st day of December, A. D. 1926., and validating all the acts done and performed by the board of directors, and officers, attorneys, agents, servants and employees of said district, and by the election officers who held said election, in connection with the holding of said election and the issuance of said bonds, and authorizing the expenditure of the proceeds from the sale of said bonds for drainage and reclamation purposes, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The bonds of Cameron County Water Improvement District Number Five, in Cameron County, Texas, in the sum of six hundred thousand (\$600,000.00) dollars, authorized under and by the authority of an election held in said district for that purpose on the 21st day of December, A. D. 1926, at which was submitted to the qualified voters of said district, the proposition, "For the issuance of bonds and levy of tax in payment therefor", and "Against the issuance of bonds and levy of tax in payment therefor", and at which said election more than two-thirds of the qualified voters of said district voting thereat cast their votes for "The issuance of the bonds and levy of the tax in payment therefor", are now hereby declared to be the valid and binding obligations of said district, when issued, and all the acts and things done and performed by the board of directors of said district, and by the officers, agents, attorneys, servants and employees of said district, and the election officers who held said election, affecting said election, and the issuance of said bonds, are hereby declared to have been validly and legally done and performed, and said district is hereby authorized to issue and sell said bonds on its faith and credit, and to expend the proceeds from the sale thereof for the purpose of reclamation and drainage of the lands of said district.

Sec. 2. The fact that the lands of said district are partially waterlogged and undrained, and that such condition is becoming worse, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Rules, to whom was referred S. R. No. 79

Amending Senate Rule No. 37 so as to limit the time during which simple or concurrent resolutions may

be considered during any one legislative day during the remainder of this session.

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 476, A bill to be entitled "An Act changing the times of holding the terms of the district court in the Sixty-ninth Judicial District of Texas; enacting necessary provisions in reference to process, writs, bonds, recognizances and in reference to grand and petit jurors, made necessary by the changes in the terms of court made by this Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 605, A bill to be entitled "An Act amending Subdivision 2 Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for changing and prescribing terms and times of holding the courts in the Second Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emer-

gency, and providing time for the Act to take effect."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 638, A bill to be entitled "An Act to authorize the transfer of civil cases in Lamar County from the docket of the Sixth Judicial District to the docket of the Sixty-second Judicial District and from the Sixty-second Judicial District to the Sixth Judicial District at the close of each term, during term time or in vacation, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 580, A bill to be entitled "An Act organizing and dividing the State of Texas into nine Administrative Judicial Districts, naming the counties composing each Administrative Judicial District; providing that the Governor shall designate a presiding judge in each of said districts, prescribing the duties of the presiding judge and district clerk of such administrative district; providing for assignment of judges for the holding of district court when the regular judge thereof is absent or disqualified from presiding; providing for the extension of the terms of court by any district judge and the calling of special terms of court and the transfer of judges from one administrative judicial district to another district; providing for the keeping of records by the clerk of each administrative judicial district



of all proceedings and cases pending in the several courts of the administrative judicial district, and the making of annual reports to the attorney general; and providing that the expenses incurred in administering this Act shall be paid in equal proportions by the several counties composing the administrative district out of the general funds of said counties and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed for the reason that S. B. No. 396 being a bill containing the identical provisions has been heretofore printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 477, A bill to be entitled "An Act creating a special road law for Caldwell County, Texas, requiring surety bonds of road overseers; containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1927; setting forth the method of said operation and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 449, A bill to be entitled "An Act amending Chapter 25 Section 138 of the General Laws of the Thirty-ninth Legislature of the State of Texas passed at the Regular Session relating to the organization and Government of Water Control and Improvement Districts and authorizing said districts to sell surplus water for irrigation purposes for lands other than those included in

the district, and to supply certain waters to other districts and for other purposes, removing the restriction as to the period for which sale of water may be made and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to amend Chapter 5, Title 85, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding a new article thereto, following Article 5400, to be known as Article 5400-A, authorizing the locator or owner of a mine or mining claim to connect the same by an aerial tramway with the nearest smelter or nearest line of railroad, and to purchase or condemn a right of way therefor upon certain conditions, declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, but be not printed inasmuch as S. B. No. 418, which is on the same subject, has already been printed.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 433, A bill to be entitled "An Act appropriating the sum of \$36,000, or as much thereof as may be necessary for the compensation and expenses of the commissioner appointed by the Supreme Court of the United States under decree of January 3, 1927, in Cause No. 6, Original, October Term, 1926, styled the State of Oklahoma, Complainant vs. the State of Texas, Defendant, the United States of America, Intervener, to run the boundary line be-

tween the State of Texas and the State of Oklahoma, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 449, A bill to be entitled "An Act amending Chapter 25, Section 138 of the General Laws of the Thirty-ninth Legislature of the State of Texas passed at the Regular Session relating to the organization and Government of Water Control and Improvement Districts and authorizing said districts to sell surplus water for irrigation purposes for lands other than those included in the district, and to supply certain waters to other districts and for other purposes, removing the restriction as to the period for which sale of water may be made and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAKER, Chairman.

By Parr.

S. B. No. 449.

A BILL

To Be Entitled

An Act amending Chapter 25 Section 138 of the General Laws of the Thirty-ninth Legislature of the State of Texas passed at the Regular Session relating to the organization and Government of Water Control and Improvement Districts and authorizing said districts to sell surplus water for irrigation purposes for lands other than those included in the district, and to supply certain waters to other districts and for other purposes, removing the restriction as to the period for which sale of water may be made and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 138 of Chapter 25 of the General Laws passed by the Regular Session of the Thirty-ninth Legislature of the State of Texas, is hereby amended and shall hereafter read as follows:

"Any district may sell any surplus water that it may have to lands in the same vicinity, or to other districts which include lands in the same vicinity, for the purpose of irrigation, domestic or commercial uses, or such district may contract to pump for or supply such other district with any waters in which such other district may have any right, if in the opinion of the board of directors same is advisable and on such terms as they provide. Any district may contract for the sale of water power privileges whenever it may be possible for power to be generated by the use of water flowing from their reservoir or within its canal system, provided however, any such contract for the sale of water power privileges shall be subject to the duty of the district to protect the lands embraced therein in an adequate supply of water for the purpose for which such district was organized or for supplying water for municipal purposes in such districts supplying water for such purposes."

Sec. 2. The fact that the law authorizing the creation of Water Control and Improvement Districts in this State results in a material public benefit and improvement to the State of Texas and the fact that the above Section of the present law relating to the contracting for and sale of surplus water of such districts is inadequate and is retarding the consumption of important development of valuable and productive lands subject to irrigation, creates an emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days, be and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 630, A bill to be entitled "An Act creating the county court at law of Hidalgo County, Texas, fixing and defining the jurisdiction and terms thereof, prescribing the qualifications manner of appointment, and election, term of office, compensation and powers of the regular or special judge thereof; providing for the filling of vacancies of the office of judge thereof, and for a clerk and bailiff and seal therefor, defining the powers of such clerk and bailiff, and the effect of such seal, fixing the fees of the clerk thereof, and of officers executing processes issued therefrom, declaring that the jurisdiction of the county court of Hidalgo County, shall not be hereby affected, providing for transfer of cases between the said county court at law and the said county court, declaring the validity and transfer of cases of processes extant at the mite of such transfer, prescribing the practice in said court and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 473, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be deposited in the State Treasury; said appropriation being for the traveling, clerical and other expenses of the board of managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the

recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 314, A bill to be entitled "An Act to amend Section 19 of Article 8306 of the Revised Civil Statutes of Texas of 1925, relating to compensation for employees hired in Texas but injured outside of Texas, so as to provide that said Section shall be amended to read as set forth in this Act be held to be invalid, unconstitutional or inoperative that no other section or part thereof shall be affected thereby, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WESTBROOK, Chairman.

(Bill not printed because re-referred later to Committee on Insurance.)

### THIRTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas, March 9, 1927.  
The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.